

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ANTONIO T. CONEY,

Plaintiff,

v.

MARCUS TUCKER, *et al.*,

Defendants.

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Case No. CV412-081

REPORT AND RECOMMENDATION

Antonio T. Coney filed this 42 U.S.C. § 1983 case against various individuals alleged to have violated his Eighth Amendment rights by refusing to release him from state custody on his discharge date. Doc. 1 at 11-14. The Court has had processing problems with him, however, *see* doc. 6 (Report and Recommendation (R&R) advising dismissal for failure to comply with *in forma pauperis* (IFP) requirements); doc. 9 (Order vacating that R&R when Coney blamed prison authorities for his non-compliance); docs. 10 & 11 (his completed IFP paperwork). In fact, after a docket entry showed "mail returned as undeliverable," doc. 13, it directed him to confirm his present address or face a recommendation of

dismissal. That Order itself has been returned as "undeliverable." Doc. 15.

Per Local Rule 11.1, it was Coney's continuing duty to keep the Court apprised of his current address. Without it, the Court cannot move this case forward or even communicate with plaintiff. A court has the power to prune from its docket those cases that amount to no more than mere deadwood. Accordingly, plaintiff's complaint should be **DISMISSED** without prejudice for his failure to prosecute this action.

L.R. 41(b); see *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, No. CV491-277 (S.D. Ga. June 10, 1992). As the Clerk has no valid address for the plaintiff (who has evidently lost interest in his case), he is excused from any further attempts to serve the plaintiff.

SO REPORTED AND RECOMMENDED, this 23rd day of July, 2012.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA